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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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12 LARRY W. CAMPBELL,

13 Plaintiff,

CIV S-03-1455 LKK PAN PS

14 v.

FINDINGS AND RECOMMENDATIONS

15 M. KATHLEEN BUTZ, et al.,

16 Defendants.  
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18 On July 20, plaintiff filed a brief wherein plaintiff states  
19 he "must withdrew [sic] [h]is civil rights claim before Judge  
20 Peter Nowinski" because plaintiff should "try to save the sight  
21 of his left eye rather than try to press his claim in [this]  
22 court" and "each Defendant would be best served for Plaintiff to  
23 re-file in State court, since it appears to plaintiff such is the  
24 correct route to CERT." There is no opposition to the request.

25 The court recommends that plaintiff's request to dismiss  
26 this action be granted pursuant to Fed. R. Civ. P. 41(a)(2).

These findings and recommendations are submitted to the Honorable Lawrence K. Karlton, the United States District Judge assigned to this case. 28 U.S.C. § 636(b)(1). Written objections may be filed within ten days after being served with these findings and recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: August 4, 2005.

/s/ Peter A. Nowinski

PETER A. NOWINSKI

Magistrate Judge